IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3110 OF 2004

Gurayya Shankarayya Swami ..Petitioner.

Versus

Shrimant Bhimraya Mhetre & Ors. ..Respondents.

Mr. Vineet B. Naik for the Petitioner.

Mr.A.H. Palekar, AGP for the Respondent No.4.

CORAM : S. A. BOBDE, J.
DATED : 10TH OCTOBER, 2005.

P.C.:

1. Rule returnable forthwith. Mr. Palekar, AGP waives service of rule for respondent No.4. Heard by consent.

2. The petitioner has questioned the validity of the order refusing to dis-qualify the respondent No.1 under section 14(j-1) of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendemnt) Act, 1995; hereinafter referred to as 'the Act', which reads as follows:-

> "14. Disqualifications.- [(1)] No person shall be a member of a panchayat continue as such, who --

(a) .....

.....

[(j-1) has more than two children:"

3. Admittedly it is accepted on behalf of the petitioner that all the children of respondent No.2 are said to have born prior to the date of the commencement of the Amendment Act i.e. on 13.09.2000. As a result thereof, there is no infirmity in the impugned order.

4. Rule is discharged. The petition is disposed off.

DT. 10.10.05 (S.A.BOBDE,J)

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